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SUMMARY STATEMENT BY THE SECRETARY-GENERAL ON MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED AND ON THE STAGE REACHED IN THEIR CONSIDERATION

Addendum

Pursuant to rule 11 of the provisional rules of procedure of the Security Council, the Secretary-General is submitting the following summary statement.

The list of items of which the Security Council is seized is contained in documents S/25070 of 9 January 1993, S/25070/Add.4 of 4 February 1993 and S/25070/Add.7 of 26 February 1993.

During the week ending 27 February 1993 the Security Council took action on the following items:

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia (see S/23370/Add.32 and S/23370/Add.40; see also S/22110/Add.38, S/22110/Add.47, S/22110/Add.50, S/23370/Add.1, S/23370/Add.5, S/23370/Add.7, S/23370/Add.14, S/23370/Add.16, S/23370/Add.19, S/23370/Add.21, S/23370/Add.23, S/23370/Add.24, S/23370/Add.26, S/23370/Add.28, S/23370/Add.29, S/23370/Add.31, S/23370/Add.32, S/23370/Add.35, S/23370/Add.36, S/23370/Add.37, S/23370/Add.40, S/23370/Add.43, S/23370/Add.45, S/23370/Add.46, S/23370/Add.49, S/23370/Add.50, S/25070/Add.1, S/25070/Add.4, S/25070/Add.7)

The Security Council met to consider the item at its 3175th meeting, held on 22 February 1993, in accordance with the understanding reached in its prior consultations, having before it the letter dated 10 February 1993 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/25266), the letter dated 16 February 1993 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/25300) and the letter dated 18 February 1993 from the Permanent Representative of Sweden to the United Nations addressed to the President of the Security Council (S/25307).

The President, with the consent of the Council, invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote.

The President drew attention to the text of a draft resolution (S/25314), which had been prepared in the course of the Council's prior consultations.

The Security Council then proceeded to the vote on draft resolution S/25314 and adopted it unanimously as resolution 808 (1993).

Resolution 808 (1993) reads as follows:

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

Recalling also its resolution 771 (1992) of 13 August 1992, in which, inter alia, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,

Recalling further its resolution 780 (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission of Experts may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

Having considered the interim report of the Commission of Experts established by resolution 780 (1992) (S/25274), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuance of the practice of "ethnic cleansing",

Determining that this situation constitutes a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal (S/25221),

Noting also with grave concern the "report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia" (S/25240, annex I),

Noting further the report of the committee of jurists submitted by France (S/25266), the report of the commission of jurists submitted by Italy (S/25300), and the report transmitted by the Permanent Representative of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) (S/25307),

1. Decides that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than 60 days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

3. Decides to remain actively seized of the matter.

The situation in Bosnia and Herzegovina (see S/23370/Add.36, S/23370/Add.40, S/23370/Add.43, S/23370/Add.45, S/25070/Add.1, S/25070/Add.4 and S/25070/Add.7; see also S/22110/Add.38, S/22110/Add.47, S/22110/Add.50, S/23370/Add.1, S/23370/Add.5, S/23370/Add.7, S/23370/Add.14, S/23370/Add.16, S/23370/Add.19, S/23370/Add 21, S/23370/Add.23, S/23370/Add.24, S/23370/Add.26, S/23370/Add.28, S/23370/Add.29, S/23370/Add.31, S/23370/Add.32, S/23370/Add.35, S/23370/Add.37, S/23370/Add.40, S/23370/Add.46, S/23370/Add.49 and S/23370/Add.50)

The Security Council resumed its consideration of the item at its 3176th meeting, held on 24 February 1993, in accordance with the understanding reached in its prior consultations.

The President, with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council (S/25328):

"The Security Council, having heard a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, is concerned that the present opportunity to reach a negotiated settlement in Bosnia and Herzegovina should not be allowed to slip by. It endorses fully the statement by the President of the United States of America and the Secretary-General of the United Nations on 23 February, calling on the leaders of the parties involved in the peace talks on Bosnia and Herzegovina to come to New York immediately to resume discussions with a view to the early conclusion of an agreement to end the conflict. The Council urges these leaders to respond quickly and positively to that call, and stands ready to give its full support to the efforts of the Co-Chairmen to bring the talks to a successful conclusion."

The Security Council resumed its consideration of the item at its 3177th meeting, held on 25 February 1993, in accordance with the understanding reached in its prior consultations.

The President, with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote.

The President stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council (S/25334):

"The Security Council, having received a report from the Secretary-General, recalls all its relevant resolutions and its statements of 25 January 1993 (S/25162) and 17 February 1993 (S/25302) concerning the provision of humanitarian relief in the Republic of Bosnia and Herzegovina. It is deeply concerned that, in spite of its repeated demands, relief efforts continue to be impeded by Serb paramilitary units, especially in the eastern part of the country, namely in the enclaves of Srebrenica, Cerska, Gorazde and Zepa.

"The Security Council deplores the deterioration of the humanitarian situation in the Republic of Bosnia and Herzegovina at a time when discussions are to resume with a view to reaching a just and durable agreement to end the conflict. It regards the blockade of relief efforts as a serious impediment to a negotiated settlement in the Republic of Bosnia and Herzegovina and to the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. It notes with concern that the measures taken by Serb

paramilitary units to interdict humanitarian convoys, in flagrant violation of relevant Security Council resolutions, expose the personnel of UNPROFOR and UNHCR as well as other humanitarian organizations to physical harm.

"The deliberate impeding of the delivery of food and humanitarian relief essential for the survival of the civilian population in the Republic of Bosnia and Herzegovina constitutes a violation of the Geneva Conventions of 1949, and the Security Council is committed to ensuring that individuals responsible for such acts are brought to justice.

"The Security Council strongly condemns once again the blocking of humanitarian convoys that has impeded the delivery of humanitarian supplies. It reiterates its demand that the Bosnian parties grant immediate and unimpeded access for humanitarian convoys and fully comply with the Security Council's decisions in this regard. The Security Council expresses its strong support for the use, in full coordination with the United Nations and in accordance with the relevant Security Council resolutions, of humanitarian air drops in isolated areas of the Republic of Bosnia and Herzegovina that are in critical need of humanitarian supplies and cannot be reached by ground convoys. It reaffirms its firm commitment to the full implementation of the humanitarian relief programme in the Republic of Bosnia and Herzegovina.

"The Security Council remains actively seized of the matter and continues its consideration of further steps, in accordance with its relevant resolutions."

An agenda for peace: preventive diplomacy, peacemaking and peace-keeping (see S/23370/Add.26, S/23370/Add.43, S/25070 and S/25070/Add.4; see also S/23370/Add.4)

The Security Council resumed its consideration of the item at its 3178th meeting, held on 26 February 1993, in accordance with the understanding reached in its prior consultations.

The President stated that, following consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council (S/25344):

"The Security Council has continued its examination of the Secretary-General's report entitled 'An Agenda for Peace' (S/24111).

"The Security Council welcomes the observations contained in 'An Agenda for Peace' concerning the question of humanitarian assistance and its relationship to peacemaking, peace-keeping and peace-building, in particular those contained in paragraphs 29, 40 and 56 to 59. It notes that in some particular circumstances there may be a close relationship between acute needs for humanitarian assistance and threats to international peace and security.

"In this respect, the Security Council notes the Secretary-General's assessment that the impartial provision of humanitarian assistance could be of critical importance in preventive diplomacy.

"Recalling its statement on fact-finding in connection with 'An Agenda for Peace' (S/24872), the Council recognizes the importance of humanitarian concerns in conflict situations, and thus recommends that the humanitarian dimension should be incorporated in the planning and dispatching of fact-finding missions. It also recognizes the need to include this aspect in connection with information-gathering and analysis, and encourages Member States concerned to provide the Secretary-General and the Governments concerned with relevant humanitarian information.

"The Security Council notes with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security. In this connection, it is important to include humanitarian considerations and indicators within the context of early-warning information capacities as referred to in paragraphs 26 and 27 of 'An Agenda for Peace'. The Council emphasizes the role of the Department of Humanitarian Affairs in coordinating the activities of the various agencies and functional offices of the United Nations. It believes that this capacity should be utilized systematically at a pre-emergency phase to facilitate planning for action to assist Governments in averting crises that could affect international peace and security.

"The Security Council notes the ongoing and constructive collaboration between the United Nations and various regional arrangements and organizations, within their respective areas of competence, in identifying and addressing humanitarian emergencies, in order to solve crises in a manner appropriate to each specific situation. The Council also notes the important role which is being played by non-governmental organizations, in close cooperation with the United Nations, in the provision of humanitarian assistance in emergency situations around the world. The Council commends this cooperation and invites the Secretary-General further to explore ways in which this cooperation can be advanced in order to enhance the capacity of the United Nations to prevent and respond to emergency situations.

"The Council expresses concern about the increased incidence of deliberate obstruction of delivery of humanitarian relief and violence against humanitarian personnel, as well as misappropriation of humanitarian assistance, in many parts of the world, in particular in the former Yugoslavia, Iraq and Somalia where the Council has called for secure access to affected populations for the purpose of providing humanitarian assistance. The Council stresses the need for adequate protection of personnel involved in humanitarian operations, in accordance with relevant norms and principles of international law. The Council believes that this matter requires urgent attention.

"The Security Council believes that humanitarian assistance should help establish the basis for enhanced stability through rehabilitation and development. The Council thus notes the importance of adequate planning in the provision of humanitarian assistance in order to improve prospects for rapid improvement of the humanitarian situation. It also notes, however, that humanitarian considerations may become or continue to be relevant during periods in which the results of peacemaking and peace-keeping efforts are beginning to be consolidated. The Council thus recognizes the importance of ensuring a smooth transition from relief to development, and notes that the provision of coordinated humanitarian assistance is among the basic peace-building tools available to the Secretary-General. In particular, it fully endorses the Secretary-General's observations in paragraph 58 of 'An Agenda for Peace' regarding the problem of land mines, and invites him to address this as a matter of special concern.

"The Security Council intends to continue its consideration of the Secretary-General's report, as indicated in the President's statement of 29 October 1992 (S/24728)."